

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

KV PHARMACEUTICAL COMPANY,)	
)	
Plaintiff,)	
)	
vs.)	Civil Action No. <u>4:07cv1385ERW</u>
)	
KVD PHARMA INC.,)	
)	
Defendant.)	
)	
)	

CONSENT ORDER

All parties to this proceeding having consented to and requested the entry of this Order, it is hereby ORDERED that:

1. KVD Pharma Inc., and all employees, officers, directors, agents, stockholders, successors, assigns, persons acting on its behalf, in concert with it, or under its control (collectively "Defendants"), are hereby permanently enjoined, as of December 31, 2007, from:

All uses of any trademark, service mark, name, or other designation of source or origin in connection with the promotion, distribution, and/or sale of Defendants' related goods and services that are likely to cause confusion as to source with Plaintiff KV Pharmaceutical Company's ("Plaintiff") trademark "KV" and trade name "KV Pharmaceutical Company," except as set forth in Paragraph 3 herein.

2. Defendants are also hereby permanently enjoined from:

Making any statements or representations, or performing any acts, in connection with the promotion, distribution, and/or sale of Defendants' goods and/or services that are likely to lead

the public or individual members of the public to believe that Defendants or their related goods and/or services are in any manner, directly or indirectly, associated, affiliated, or connected with or licensed, sponsored, authorized, supplied, provided, or approved by Plaintiff.

3. Defendants are immediately enjoined from manufacturing or licensing the manufacture of any products bearing the "KVD" trademark or the "KVD Pharma Inc." trade name. Defendant shall sell off all remaining inventory of products bearing the "KVD" trademark or the trade name "KVD Pharma Inc." or packaged in packaging bearing the "KVD" trademark or the trade name "KVD Pharma Inc." within a commercially reasonable period after the date of this Order and, in any event, no later than August 31, 2008. Defendant shall provide Plaintiff with an itemized list of Defendant's remaining inventory within a commercially reasonable period, not to exceed 30 days without extension by the Court for good cause.

4. Defendant shall permanently remove from the business facilities and destroy or (at Defendant's option) make available to Plaintiff by December 31, 2007, all advertising materials, promotional materials, labeling, packaging, invoices, stationery, labels, and any other tangible items other than internal business documents which bear or make reference to Defendant's "KVD" trademark and/or "KVD Pharma Inc." trade name. All such items taken into possession by Plaintiff shall become the property of Plaintiff, and Plaintiff shall be free to retain or destroy each such item as Plaintiff sees fit.


5. At Plaintiff's sole cost, Defendant shall transfer the domain name "www.kvdpharma.com" to Plaintiff. Defendant shall permanently remove all metatags, keywords for Internet search engines, postURL or forwarding commands, hyperlinks, and any other electronic coding that uses Defendant's "KVD" trademark and/or "KVD Pharma Inc." trade name.

6. Defendants shall formally and permanently change all of their trade names, fictitious names, DBAs, and all other commercial names and designations used and/or registered by Defendants in the Commonwealth of Virginia or elsewhere to a name that is not confusingly similar to Plaintiff's "KV" trademark and/or "KV Pharmaceutical, Inc." trade name.

7. Defendants shall, within a commercially reasonable period after the date of this Order, and after compliance with this Order, file with the Court and serve on Plaintiff's counsel a written report signed by each named defendant to this action, setting forth in detail the manner in which the Defendants have fully complied with each aspect of this Order and injunction.

8. The above-captioned proceeding is hereby dismissed.

SO ORDERED:


United States District Court Judge
October 25, 2007